

Paul Swen Prior  
Nevada Bar No. 9324  
Holly E. Cheong  
Nevada Bar No. 11936  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: [sprior@swlaw.com](mailto:sprior@swlaw.com)  
Email: [hcheong@swlaw.com](mailto:hcheong@swlaw.com)

Attorneys for Defendant  
Allegiant Air, LLC

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BRIAN JOHNSON, an individual

Plaintiff,

v.

ALLEGIANT AIR, LLC; a Nevada  
Limited Liability Company and DOES I  
through X, inclusive, and ROE  
CORPORATIONS I-X, inclusive

Defendant

CASE NO.:

NOTICE OF REMOVAL

**TO THE HONORABLE JUDGES OF THE ABOVE-ENTITLED COURT:**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant ALLEGIANT AIR, LLC, (“Allegiant”), hereby remove to this Court the state court action described below:

1. On or about November 11, 2008, an action was commenced in the Nevada District Court for Clark County entitled *Brian Johnson v. Allegiant Air, LLC.*, Case Number A654089, Dept. I. A true copy of the Complaint is attached hereto as Exhibit A.

2. Apparently Plaintiff personally served a “Mike Bonner” who is a mid-level manager in human resources, for Allegiant and he is not an officer of the company and is not authorized to accept service. Notwithstanding the potential improper service issues, Defendants

1 agreed with Plaintiff on February 27, 2012, the first date that the Complaint was received by  
 2 authorized Allegiant agents, and the parties agreed that a “responsive pleading” would be filed on  
 3 or before Friday, March 2, 2012. The thirty-day period for removal does not begin to run until a  
 4 party has received a copy of the Complaint and been properly served. *See Murphy Brothers, Inc.*  
 5 *v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 347-48 (1999). Therefore, this Notice of Removal  
 6 is timely filed under 28 U.S.C. § 1446(b).

7 3. This is a civil action of which this Court has original jurisdiction pursuant to  
 8 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the  
 9 provisions of 28 U.S.C. § 1441 in that it is a federal question brought under Title VII, 42 U.S.C.  
 10 2000e, *et. seq.*, 42 USC § 2000e-5.

11 4. Defendants will also timely file a Notice of Removed Action in Nevada District  
 12 Court, County of Clark, a true and correct copy of which is attached as Exhibit B.

13 WHEREFORE, Defendant respectfully request that this Court assume full jurisdiction  
 14 over the cause herein as provided by law, and that all further proceedings in the Nevada District  
 15 Court, County of Clark, be stayed.

16 Dated: March 2, 2012

SNELL & WILMER L.L.P.

18 By: /s/ Holly Cheong

19 Paul Swen Prior

Nevada Bar No. 9324

20 Holly E. Cheong

Nevada Bar No. 11936

21 3883 Howard Hughes Parkway, Suite 1100

Las Vegas, NV 89169

22 Attorneys for Defendant

23 Allegiant Air, LLC

**CERTIFICATE OF SERVICE**

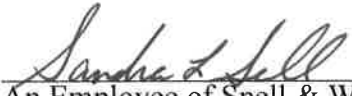
I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **NOTICE OF REMOVAL** by the method indicated below:

_____	U.S. Mail	_____	Overnight Mail
_____	U.S. Certified Mail	_____	Federal Express
_____	Facsimile Transmission	_____	Hand Delivery
<u>XXXXXX</u>	Electronic Service		

and addressed to the following:

Ryan Alexander  
THE FIRM, P.C.  
200 East Charleston Blvd.  
Las Vegas, NV 89104  
Phone: (702) 222-3476  
Facsimile: (702) 252-3476

DATED this 2nd day of March, 2012.

  
An Employee of Snell & Wilmer L.L.P.

14608047

# EXHIBIT A

## CIVIL COVER SHEET

A - 1 2 - 6 5 4 0 8 9 - C

Clark County, Nevada

Case No. \_\_\_\_\_

I

(Assigned by Clerk's Office)

**I. Party Information**

Plaintiff(s) (name/address/phone): BRIAN JOHNSON

Defendant(s) (name/address/phone): ALLEGIANT AIR, LLC  
8360 S. Durango Dr.  
Las Vegas, NV 89113Attorney (name/address/phone):  
RYAN ALEXANDER, NV 10845  
THE FIRM, PC, 200 E. Charleston Blvd., LAS VEGAS NV 89104  
(702) 222-3476 FAX: (702) 252-3476

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)☐ Arbitration Requested**Civil Cases**

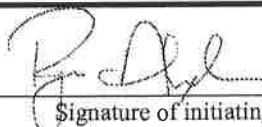
Real Property	Torts	
<input type="checkbox"/> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> <b>Title to Property</b> <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> <b>Condemnation/Eminent Domain</b> <input type="checkbox"/> <b>Other Real Property</b> <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	<input type="checkbox"/> <b>Negligence</b> <input type="checkbox"/> Negligence – Auto <input type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> <b>Product Liability</b> <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> <b>Intentional Misconduct</b> <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input checked="" type="checkbox"/> <b>Employment Torts</b> (Wrongful termination) <input type="checkbox"/> <b>Other Torts</b> <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition
Probate	Other Civil Filing Types	
<b>Estimated Estate Value:</b> _____ <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> <b>Breach of Contract</b> <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> <b>Civil Petition for Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> <b>Appeal from Lower Court</b> (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> <b>Civil Writ</b> <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> NRS Chapters 78-88   | <input type="checkbox"/> Investments (NRS 104 Art. 8)        | <input type="checkbox"/> Enhanced Case Mgmt/Business  |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90)  | <input type="checkbox"/> Trademarks (NRS 600A)               |   |

1/3/12

Date

  
 Signature of initiating party or representative

Electronically Filed  
01/03/2012 11:50:28 AM



CLERK OF THE COURT

RYAN ALEXANDER  
Nevada Bar No. 10845  
THE FIRM, P.C.  
200 East Charleston Blvd.  
Las Vegas, NV 89104  
Phone: (702) 222-3476  
Fax: (702) 252-3476  
*Attorney for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

BRIAN JOHNSON, an Individual

Plaintiff,

v.

ALLEGIANT AIR, LLC, a Nevada  
Limited Liability Company and DOES I  
through X, inclusive, and ROE  
CORPORATIONS I-X, inclusive

Defendant,

Case No.: A - 1 2 - 6 5 4 0 8 9 - C

I

**COMPLAINT**

**CAUSES OF ACTION:**

- 1) Discrimination and Retaliation 42 U.S.C. §2000e**
- 2) Discrimination and Retaliation under NRS 613.330**
- 3) Negligent Infliction of Emotional Distress**
- 4) Negligent Hiring, Retention or Supervision**

**JURY DEMAND**

COMES NOW, Plaintiff BRIAN JOHNSON ("Plaintiff," "JOHNSON"), by and through his attorney of record, Ryan Alexander, Esq. of THE FIRM, P.C. as and for their complaint against Defendant, ALLEGIANT AIR, LLC, DOES I through X, inclusive, and ROE CORPORATIONS I-X, inclusive (hereinafter collectively referred to as "Defendant"), and hereby complain, allege and state as follows:

**PARTIES**

1. Plaintiff BRIAN JOHNSON was an employee of Defendant ALLEGIANT AIR, LLC, ("ALLEGIANT") a Nevada limited liability company.
2. Defendant ALLEGIANT is a Nevada corporation doing business as "Allegiant" airlines in Clark County, State of Nevada.
3. The true names and capacities, whether individual, corporate, associate or otherwise

1 of other Defendant hereinafter designated as DOES 1-X, inclusive, and/or ROE  
2 CORPORATIONS 1-X, inclusive, who are in some manner responsible for injuries described  
3 herein, are unknown at this time. Plaintiff, therefore, sues said Defendant by such fictitious  
4 names and will seek leave of the Court to amend this Complaint to show their true names and  
5 capacities when ascertained.

6 4. Upon information and belief, at all times pertinent, Defendant were agents, servants,  
7 employees or joint ventures of every other Defendant herein, and at all time mentioned herein  
8 were acting within the scope and course of said agency, employment, or joint venture, with  
9 knowledge and permission and consent of all other Defendants.

10 5. The Defendants are jointly and severally liable for each Defendant's actions.

#### 11 12 **VENUE AND JURISDICTION**

13 6. Plaintiff brings this action under Title VII of the Civil Rights Act of 1964 and NRS  
14 613 to redress the wrong done to them. Such action constituted discrimination on the basis of  
15 sexual orientation and retaliation.

16 7. Plaintiff timely submitted charges of discrimination on the basis of sexual orientation  
17 to the Nevada Equal Rights Commission ("NERC").

18 8. Plaintiff received notice from the NERC of right to sue within 180 days on or about  
19 July 13, 2011.

#### 20 21 **GENERAL ALLEGATIONS**

22 9. Plaintiff JOHNSON is an adult male, and was an employee of Defendant ALLEGIANT  
23 until the incident at issue occurred. The Defendant is an employer within the State of Nevada and  
24 within the jurisdictional coverage of NRS 613, *Title VII of the Civil Rights Act* and the *Age*  
25 *Discrimination in Employment Act*.

26 10. JOHNSON was hired by ALLEGIANT on or about April 30, 2007 as a customer  
27 relations representative.

28 11. During his employment he received two promotions, and each of his reviews report that

1 he excelled in each position, including as a "CR representative," "Instructor" and "Manager of  
2 Stations Training" within ALLEGIANT.

3 12. JOHNSON's latest review was received in March 2009, just weeks prior to the start of  
4 the events leading to his termination and was "well above average." This review was given by  
5 Mr. David Baker, JOHNSON's immediate supervisor and ALLEGIANT Vice President of  
6 Station Operations.

7 13. In April of 2009, JOHNSON was in Los Angeles with two new instructors. He was  
8 called and informed by Baker that JOHNSON was being accused of sexually harassing a male  
9 student from Fiji named "Sheik" that was attending the training class. JOHNSON was extremely  
10 upset and asked Baker for specifics of what he was being accused of, and Baker refused to give  
11 JOHNSON any specifics other than that a complaint had come to him directly from an Allegiant  
12 Air employee in Los Angeles.

13 14. JOHNSON asked Baker when he needed to return to Las Vegas and Baker said not to,  
14 but to be careful of JOHNSON's language and actions especially any actions or comments  
15 regarding his homosexual lifestyle. JOHNSON expressed that he felt he had done nothing  
16 wrong and that it would be difficult to manage the training under these circumstances, since it  
17 was unclear which "gay" behavior if any was causing any issue.

18 15. JOHNSON returned to the Las Vegas office on May 11, 2009 and was thereafter told  
19 by Baker that Baker could not discuss the details of the complaint, but Baker would be able to at  
20 a later time and that JOHNSON would have the opportunity to reply. JOHNSON agreed to stay  
21 in his position and ran the department as best as he could. Again Baker told JOHNSON to be  
22 very careful about JOHNSON's words and "gestures." JOHNSON asked but could not get an  
23 answer as to what would be an offensive homosexual gesture. JOHNSON again asked what  
24 comments and gestures JOHNSON had used regarding JOHNSON's lifestyle and Baker again  
25 refused to give JOHNSON any examples.

26 16. Shortly after the initial meeting with Baker, JOHNSON received a call from Sheik,  
27 whom JOHNSON had allegedly harassed. Sheik stated that he had heard the rumor that  
28



THE FIRM, P.C.  
200 EAST CHARLESTON BLVD., LAS VEGAS, NV 89104

1 JOHNSON was being accused of sexually harassing him, and Sheik asked that JOHNSON tell  
2 Baker and ALLEGIANT management to call to Sheik because nothing happened, and that Sheik  
3 thought that these claims were ridiculous.

4 17. Los Angeles ASIG Customer Service Manager Jennifer Medrano also told JOHNSON  
5 that she confirmed that these allegations were not true, and that JOHNSON had done nothing  
6 inappropriate in class. Medrano had attended every class taught by JOHNSON. JOHNSON  
7 relayed this to Baker and the management. Medrano states that she was never contacted  
8 regarding this situation, and that she was not aware of any complaint that had been brought to the  
9 attention of ASIG regarding JOHNSON.

10 18. Upon information and belief, ALLEGIANT never contacted Sheik about the  
11 accusation, who was the allegedly the victim of harassment.

12 19. During the training in Los Angeles, JOHNSON's new employee and instructor Caren  
13 Kolb called JOHNSON a "faggot" to other co-workers on at least two occasions.

14 20. Upon information and belief, Caren Kolb made the allegation of harassment.

15 21. In July 2009 JOHNSON was told that the decision regarding the situation in Los  
16 Angeles had been made and Baker scheduled a meeting to discuss the outcome. JOHNSON was  
17 surprised that the investigation had been completed, since JOHNSON still had not spoken with  
18 anyone from ALLEGIANT's management or human resources about the facts.

19 22. Despite notification that ALLEGIANT's human resources would be participating in a  
20 meeting on July 6, 2009, only Baker met with JOHNSON. Baker told JOHNSON that Maurice  
21 Gallagher, CEO and Andrew Levy, COO had decided that JOHNSON had indeed made  
22 homosexual comments and gestures in Los Angeles that were inappropriate and that Baker had  
23 convinced them not to fire JOHNSON but he would have to give JOHNSON a "final formal  
24 written notice." Baker stated he would have that notice for JOHNSON the following day.

25 23. Upon information and belief, ALLEGIANT executives discussed their intent to  
26 terminate JOHNSON with specific reference to his sexual orientation.

27 24. JOHNSON received a final formal counseling notice the following day, which gave no  
28

THE FIRM, P.C.  
200 EAST CHARLESTON BLVD., LAS VEGAS, NV 89104

1 specifics but insisted that he stop doing what was "offensive." No explanation was ever  
2 provided to JOHNSON of what constituted "offensive" behavior.

3 25. On August 21, 2009, Mr. Baker announced that he would be leaving the company very  
4 suddenly. Mr. Neil Weingarten was also terminated on this day. JOHNSON spoke with Baker  
5 on Tuesday August 25, 2009. During this meeting Baker explained that he thought JOHNSON  
6 was a very smart man and that JOHNSON had done everything possible to remediate the  
7 complaint and that JOHNSON was doing a good job in that regard.

8 26. JOHNSON left on vacation August 26, 2009. During JOHNSON's vacation he was  
9 informed via phone that there would be a change in the administrative levels and he would report  
10 to new managers.

11 27. JOHNSON returned to work on September 8, 2009 and was told that alleged  
12 complaints had been made in his absence and were "substantiated" while he was on vacation and  
13 that they had decided to move forward with termination.

14 28. ALLEGIANT's managers refused to explain the substance of any complaints, and  
15 refused to allow JOHNSON to discuss anything.

16 29. When he returned for his personal belongings, an ALLEGIANT manager explained to  
17 him that the comments and gestures were about JOHNSON's homosexual lifestyle and that those  
18 were unacceptable.

19 30. After receiving this information, JOHNSON filed a complaint with the Nevada Equal  
20 Rights Commission.

21 31. Defendant, its agents' and employees' sexually discriminatory conduct created a work  
22 environment extremely detrimental to Plaintiff's emotional and physical health, interfered with  
23 Plaintiff's work performance, and caused him acute emotional distress.

24 32. The aforementioned acts and conduct by Defendant, its agents and employees were  
25 intentional, willful, wanton, malicious, and outrageous.

26 //

27 //

1 **FIRST CAUSE OF ACTION**

2 **(Discrimination and Retaliation under 42 U.S.C. § 2000e)**

3 33. Plaintiff incorporates and re-alleges paragraphs 1 through 20 as if fully rewritten herein.

4 34. The above discriminatory and retaliatory pattern and practice by defendant, its agents  
5 and employees violates *Title VII of the 1964 Civil Rights Act*, 42 U.S.C. § 2000e.

6 35. Plaintiff engaged in a protected activity, suffered an adverse employment action and  
7 there was a causal link between his activity and the employment decision.

8 36. As a direct and proximate result of said acts, plaintiff has suffered and continues to  
9 suffer loss of employment, loss of income, loss of other employment benefits, and has suffered  
10 and continues to suffer distress, humiliation, great expense, embarrassment, and damage to his  
11 reputation.

12 **SECOND CAUSE OF ACTION**

13 **(Discrimination and Retaliation under NRS 613.330)**

14 37. Plaintiff incorporates and re-alleges paragraphs 1 through 30 as if fully rewritten herein.

15 38. The actions of Defendant, its agents and employees, violated the Nevada Revised Statutes  
16 613.330.

17 39. As a direct and proximate result of said acts, Plaintiff has suffered and continues to suffer  
18 loss of employment, loss of income, loss of other employment benefits, and has suffered and  
19 continues to suffer distress, humiliation, great expense, embarrassment, and damage to his  
20 reputation, all to Plaintiff's damage in an amount to be determined.

21 40. The acts theretofore complained of were intentionally done by Defendants and were done  
22 with malice and oppression, and, as a result, Plaintiffs request an award of punitive damages in  
23 an amount in excess in an amount to be determined.

24 **THIRD CLAIM FOR RELIEF**

25 **(Negligent Infliction of Emotional Distress)**

26 41. Plaintiff incorporates and re-alleges paragraphs 1 through 34 as if fully rewritten herein.  
27  
28

THE FIRM, P.C.  
200 EAST CHARLESTON BLVD., LAS VEGAS, NV 89104

42. The actions of defendant, its agents and employees constitute negligent infliction of emotional distress upon plaintiff.

43. As a direct and proximate result of said acts, plaintiff has suffered and continues to suffer loss of employment, loss of income, loss of other employment benefits, and suffered and continues to suffer distress, humiliation, great expense, embarrassment, and damage to his reputation.

**FOURTH CAUSE OF ACTION  
(Negligent Hiring, Retention or Supervision)**

44. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

45. Defendant ALLEGIANT had a duty to properly supervise the employees.

46. Defendant breached their duty to supervise when the supervisors, failed to take corrective action, impose and regulate standards for sexual orientation discrimination at ALLEGIANT.

47. As a direct and proximate result of Defendant's negligent supervision, JOHNSON has suffered, and will continue to suffer, emotional distress and psychological trauma impairing his daily life, all to his damage in a sum exceeding \$10,000.

48. Due to the Defendants' conduct, Plaintiffs were forced to retain the law firm of THE FIRM, P.C. to prosecute this action, and therefore are entitled to an award of reasonable attorney's fees and costs of suit incurred herein.

...

WHEREFORE, Plaintiffs are entitled to judgment in their favor and against Defendant, jointly and severally, as follows:

1. For an award of past and future damages, including damages for past and future lost wages and benefits, anxiety, emotional distress, and suffering;
2. For all costs and all attorneys' fees incurred and accrued in these proceedings;
3. For interest thereon at the legal rate until paid in full;

4. For punitive and compensatory damages in an amount to be determined by this court; and
5. For such other and further relief as the Court may deem just and proper.

**JURY DEMAND**

Plaintiff demands that all issues in this case be tried by a jury in accordance with the Seventh Amendment of the United States Constitution and Rule 38 of the Nevada Rules of Civil Procedure.

Dated this 2nd of January, 2012.

**THE FIRM, P.C.**



RYAN ALEXANDER

Nevada Bar No. 10845

200 East Charleston Blvd.

Las Vegas, NV 89104

Phone: (702) 222-3476

Fax: (702) 252-3476

*Attorney for Plaintiff*

THE FIRM, P.C.  
200 EAST CHARLESTON BLVD., LAS VEGAS, NV 89104

# EXHIBIT B

**REMV**  
Paul Swen Prior  
Nevada Bar No. 9324  
Holly E. Cheong  
Nevada Bar No. 11936  
SNELL & WILMER L.L.P.  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: [sprior@swlaw.com](mailto:sprior@swlaw.com)  
Email: [hcheong@swlaw.com](mailto:hcheong@swlaw.com)

Attorneys for Defendant  
Allegiant Air, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

BRIAN JOHNSON, an individual  
Plaintiff,

v.

ALLEGIANT AIR, LLC; a Nevada  
Limited Liability Company and DOES I  
through X, inclusive, and ROE  
CORPORATIONS I-X, inclusive

Defendant

CASE NO. A-12-654089-C  
DEPT. NO. I

**NOTICE OF REMOVED ACTION**

**TO: THE HONORABLE JUDGES OF THE ABOVE-ENTITLED COURT, THE  
CLERK OF THE DISTRICT COURT, AND ALL PARTIES HERETO AND  
THEIR ATTORNEYS.**

PLEASE TAKE NOTICE that Defendant ALLEGIANT AIR, LLC, through their  
undersigned counsel, has removed this action to the United States District Court for Nevada  
pursuant to 28 U.S.C. § 1441(b) and § 1446.

///

///

///

///

1 A true and correct copy of the Petition for Removal filed in the United States District  
2 Court for Nevada is attached as **Exhibit A**.

3 Dated: March 2, 2012 SNELL & WILMER L.L.P.

5 By: /s/ Holly Cheong

6 Paul Swen Prior  
7 Nevada Bar No. 9324  
8 Holly E. Cheong  
9 Nevada Bar No. 11936  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169

10 Attorneys for Defendant  
11 Allegiant Air, LLC

Snell & Wilmer

L.L.P.  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2102  
(602) 382-6000



CERTIFICATE OF SERVICE


I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **NOTICE OF REMOVED ACTION** by the method indicated below:

<u>XXXXX</u>	U.S. Mail	_____	Overnight Mail
_____	U.S. Certified Mail	_____	Federal Express
_____	Facsimile Transmission	_____	Hand Delivery
_____	Electronic Service		

and addressed to the following:

Ryan Alexander  
THE FIRM, P.C.  
200 East Charleston Blvd.  
Las Vegas, NV 89104  
Phone: (702) 222-3476  
Facsimile: (702) 252-3476

DATED this 2nd day of March, 2012.

  
An Employee of Snell & Wilmer L.L.P.

14597235

Snell & Wilmer

L.L.P.  
LAW OFFICES  
One Arizona Center, 400 E. Van Buren  
Phoenix, Arizona 85004-2202  
(602) 382-6000